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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,361	02/10/2004	Holger Edinger	A-3891	3215
24131	7590	10/06/2005	EXAMINER	
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480			MORRISON, THOMAS A	
			ART UNIT	PAPER NUMBER
			3653	
DATE MAILED: 10/06/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/776,361

Applicant(s)

EDINGER, HOLGER

Examiner

Thomas A. Morrison

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Eitel et al. In particular, Eitel et al. discloses all of the limitations of claims 1-4.

Regarding the independent claim 1, Figs. 1-4 show an apparatus (1) for conveying sheets to a sheet processing machine, comprising:

a feed table (6);

at least one suction belt (i.e., two belts 4 and 4) disposed to be guided over the feed table (6) and to be subjected to suction air from an underside thereof;

the at least one suction belt (belts 4 and 4) having at least two mutually spaced-apart rows of suction openings (7) formed therein; and

the feed table (6) having ventilation openings (61 and 62) formed therein in a region between the rows of suction openings (7) formed in the at least one suction belt (belts 4 and 4).

One way of reading the Eitel patent is to say that Fig. 2 shows multiple rows of small diameter openings labeled "7" (i.e., suction openings) in each belt (4). Also, the feed table (6) has ventilation openings (61 and 62) that are located between the multiple rows of small diameter openings (7) in the belt (4) located near numeral 13 and the multiple rows of small diameter openings (7) in the other belt (4) near numeral 15. In

other words, the feed table (6) has ventilation openings (61 and 62) formed therein in a region between the multiple rows of small openings (7) in the belt (4) near numeral 13 and the multiple rows of small openings (7) in the belt (4) near numeral 15. As such, this interpretation of Eitel et al. meets the limitations of claim 1. This situation applies where at least one belt is multiple belts.

Alternatively, the openings (2) in the feed table (6) can be considered "ventilation openings". The dictionary defines the word "ventilation" as "1: the act or process of ventilating 2a: circulation of air". Miriam Webster's College Dictionary, 10th Edition, at page 1311. The openings (2) in feed table (6) allow air to circulate from the atmosphere into the openings (2). As such, openings (2) are "ventilation openings". Also, Fig. 2 shows that there are multiple rows of small diameter openings (7) in each belt (4), and there is one row of ventilation openings (2) located below each belt (4). In other words, the feed table (6) has ventilation openings (2) formed therein in a region between the rows of small diameter suction openings (7) in each suction belt (4). Thus, this alternative reading of the Eitel et al. patent also meets the limitations of claim 1. This situation applies where at least one belt is one belt.

Regarding the dependent claim 2, Fig. 2 shows mutually parallel suction boxes (14 and 16) communicating with the rows of suction openings (7) for supplying suction air to the rows of suction openings (7), and a common vacuum source (17) communicating with the suction boxes.

Regarding the dependent claim 3, Fig. 1 shows that the feed table has a covering plate (6) covering the suction boxes (14 and 16) on top, the covering plate (6) forming a guide for the at least one suction belt (belts 4 and 4).

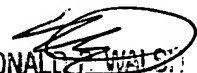
Regarding the dependent claim 4, Figs. 1 and 2 show that the covering plate (6) is formed with mutually parallel rows of suction openings (2) and with the ventilation openings (61 and 62).

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on (571) 272-6944. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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